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Docket No. F-8557

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

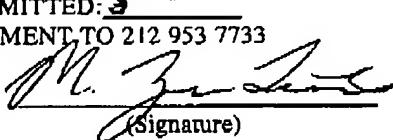
Applicant : Hirotaka YASUDA, et al.  
Serial No. : 10/537,791  
Filed : June 6, 2005  
For : WORM SUPPORT DEVICE AND POWER ASSIST  
UNIT HAVING THE SAME  
Group Art Unit : 3625  
Examiner : Tony H. Winner  
Confirmation No. : 6494  
Customer No. : 000028107

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RESPONSE

Sir:

In response to the Office Communication of June 5, 2008, the following is

submitted:

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**Species I, Fig. 2, upon which claims 9-15 read, is hereby elected.**

Applicants respectfully traverse the restriction requirement on the grounds that the restriction is improper because it is asserted under 35 U.S.C. §121. The current application is a National Stage PCT Application filed under 35 U.S.C. §371. Accordingly, a restriction requirement is not proper where unity of invention exists among the claims. PCT Rules 13.1 and 13.2 are to be followed in making a unity of invention determination without regard to restriction practice in applications filed under 35 U.S.C. §111. MPEP §1893.03(d). Such considerations apply to genus/species and combination/subcombination situations. MPEP §1850 (A).

Unity of invention is demonstrated by the Examiner's indication that the subject matter of claim 1 (equivalent to current claim 9) is generic. See Office Action of July 20, 2007 page 2. Thus, applicants respectfully request that the restriction requirement be withdrawn. Alternatively, applicants respectfully request a corrected Office Action be issued applying the appropriate standard for a restriction requirement in the current application.

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In light of the foregoing, the application is believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

Respectfully submitted,

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